

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, FEBRUARY 17, 2021 VIA TELECONFERENCE ZOOM MEETING. THE MEETING WAS CALLED TO ORDER AT 7:30 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Lance N. Millman Stacy Caridi Melanie Golden Steven H. Beldock Evan T. Kuperman	Mayor Deputy Mayor Trustee Trustee Trustee
Other:	Warren E. Berbit	Village Attorney
Recording Secretary:	Louise Renud	Deputy Village Clerk

**Mayor's Report:**

Mayor Millman read the following statement:

**PLEASE TAKE NOTICE**, on March 12, 2020 and in response to the current COVID-19 virus emergency, Governor Andrew Cuomo issued Executive Order 202.1 that suspended the Open Meetings Law requirement to hold in public in-person meetings and allowed official meetings to be held via telephone conference or similar technologies.

**PLEASE TAKE FURTHER NOTICE**, that the public may access the teleconference recording on Wednesday, February 17, 2021 at 7:30 pm by joining our ZOOM Meeting. Links to gain access have been posted to our website [www.villageofmontebello.com](http://www.villageofmontebello.com). Please note the rules for public participation are as follows:

- 1 – the public is allowed to view and listen to the Board of Trustees meeting live via Zoom.
- 2 – if the public wishes to make a comment or has a question, they were asked to send their questions into the Village Clerk at [villageclerk@villageofmontebello.com](mailto:villageclerk@villageofmontebello.com) prior to the start of tonight's meeting.
- 3 – all participants of this meeting will be muted.

**PLEASE TAKE FURTHER NOTICE** that a copy of this Board of Trustees meeting link and agenda have been available on our website @ [www.villageofmontebello.org](http://www.villageofmontebello.org) and the minutes of this meeting will be available to the public and the public will be given additional opportunity to make comments at that time.

**AS A REMINDER TO EVERYONE** that this meeting is being recorded and posted to our website. In order for each of the Board of Trustees to be heard, please make sure only one person speaks at a time so that there will be an understandable recording.

Mayor Millman spoke of the upcoming snowstorm. He acknowledged that Orange & Rockland is ready and standing by any issues that may arise. Both Mayor Millman and Deputy Mayor Caridi are available for any emergency meetings they may have with the surrounding towns and villages.

Mayor Millman stated that Village Hall has been open, and the public has been coming in. There have been no major complaints to contend with.

Mayor Millman welcomed guest speaker, Assemblyman Mike Lawler to the meeting and congratulated him on being our new assemblyman in the 97<sup>th</sup> district.

**Assemblyman Mike Lawler – 97<sup>th</sup> District**

Assemblyman Lawler discussed the New York State budget, the budget deficit and how it affects Rockland County. He also brought up COVID and the issues with getting the vaccine to those who want it. He stated he will try and attend at least one Town or Village meeting for every municipality he represents, and his office is always open for any issues that may arise. He thanked the Board for their time and then opened the floor for any questions from the Board.

**Building Department Report:**

The following is the Building Department Report for the month of January 2021:

- Thirteen (13) building permits were filed. A total of \$71,498.00 in permit fees was collected.
- Thirteen (13) Certificates of Occupancy were issued.
- A total of \$1,125.00 in Fire Inspection fees was collected.
- Seven (7) code violations were issued.
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**Historic Preservation and Parks Commission (HPPC)**

With no one from HPPC was in attendance, Mayor Millman closed this portion of the meeting.

**Public Comment**

Mayor Millman opened the Public Comment to anyone who wished to speak.

With no one from the public wishing to speak, Mayor Millman closed this portion of the meeting.

**Resolution No. 21 - 011**

Village of Montebello

Title: A Local Law Amending Chapter 195, Zoning, and Chapter 104, Hotels, Inns and Boardinghouses, to Regulate Short Term Rentals of Residential Dwellings

WHEREAS, a Public Hearing was opened on February 17, 2021 on proposed Local Law No. 1 of 2021, with all footers dated 10 February 2021, and entitled:

Local Law 1 of 2021: A LOCAL LAW AMENDING CHAPTER 195, ZONING, AND CHAPTER 104, HOTELS, INNS AND BOARDINGHOUSES, TO REGULATE SHORT TERM RENTALS OF RESIDENTIAL DWELLINGS; and

thus amending Chapters 195 and 104 of Village Code, as more particularly set forth in said Local Law, but summarized as follows:

LL1 of 2021 - REGULATE SHORT TERM RENTALS OF RESIDENTIAL DWELLINGS - The local law implements provisions of the 2017 Comprehensive Plan for the Village of Montebello, defining and prohibiting short term rentals of dwelling units or portions thereof for periods of 29 days or less. Recommendations for these Zoning Code changes are found on pages 5, 17 and 19 of the 2017 Comprehensive Plan; and

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Deputy Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on February 7, 2021 and was posted on February 5, 2021 at several places, and that said Notice and the versions of said Local Laws before us this evening were provided to the Trustees and made available to the public on February 7, 2021 and were posted at several places, published on the Village’s website, and notices were hand affixed to the doors of the meeting room:

**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a Public Hearing will be held on Wednesday February 17, 2021, beginning at 7:30 p.m. or as soon thereafter as the matter can be heard via ZOOM to consider adopting Local Law No. 1 of 2021 entitled: “AMENDING CHAPTER 195, ZONING, AND CHAPTER 104, HOTELS, INNS AND BOARDINGHOUSES, TO REGULATE SHORT TERM RENTALS OF RESIDENTIAL DWELLINGS”, thus amending Chapters 195 and 104 of the Village Code, as more particularly set forth in said Local Law, but summarized as follows.

The Comprehensive Plan of the Village of Montebello identifies a critical and compelling need to regulate short-term rental use of residential dwellings located in the Village of Montebello. Most dwellings in the Village are not subject to the New York State Uniform Fire Prevention and Building Code (Uniform Code) provisions for protecting transient occupants. Therefore, the Village Board finds and determines that the public health, safety and welfare of current and future Village residents will be adversely affected by the

unregulated short-term rental of all or a portion of residential dwellings. The Board further finds and determines that conditions arising from the short-term rental of dwelling units that may be substandard or in violation of the Uniform Code, New York State Multiple Residence Law and applicable Village of Montebello Codes, pose hazards to life, limb and property of residents of the Village, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services. This Local Law implements Comprehensive Plan recommendations by defining and prohibiting short term rental of dwelling units or portions thereof for 29 nights or less. Roomers, non-transient occupants of rooming units for a period of 30 or more days, are permitted.

All interested parties are invited to attend. The proposed law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 am to 4:00 pm as well as on the Village of Montebello website [www.villageofmontebello.com](http://www.villageofmontebello.com).

Joan Will  
Village Clerk – Treasurer  
Village of Montebello  
One Montebello Road  
Montebello, NY 10901  
(845) 368-2211

Warren E. Berbit  
Village Attorney  
January 20, 2021; and

WHEREAS, at the request of the Mayor, the Village Planner, Jonathan Lockman, AICP of Nelson, Pope and Voorhis explained the local law as described in his attached memo dated December 16, 2020; and

WHEREAS, the Public Hearing was opened to the floor on February 17, 2021 at 8:16 pm by motion by Trustee Caridi and seconded by Trustee Deputy Mayor Golden, all in favor, and the Village Attorney requested that first the following be included in the Record:

1. Resolution No. 21-001 of January 20, 2021, approving holding a Public Hearing (attached).
2. Legal Notice, and Affidavit of Publishing and Posting (attached).
3. Final correspondence with General Code, in an email dated January 22, 2021 (attached), containing comments which were incorporated into the Local Law #1.
4. Draft Local Law No. 1 of 2021, dated February 10, 2021.
5. Planning Board reply of February 10, 2021 prepared by Jonathan Lockman AICP of NP&V (attached), which included the following recommendations and comments on Local Law #1:
  - A. In the definition of “Short-Term Rental” at the top of page 2, the Planning Board recommends that the concept of renting “accessory yards or accessory structures” in line 7 of the definition be moved into the beginning of the definition, for clarity and emphasis. Therefore, it will be clearer that short-term rental of only a portion of a residential property outside of the dwelling building will be included in the prohibition of short-term rentals.
  - B. The Planning Board recommends that a specific set of fines be set for violations within this local law, and that the Village should not just rely only on the existing penalty provisions of §195-40.

6. Rockland County Planning Department GML review of Local Law 1 of 2021, dated February 5, 2021 (attached) which stated they approved and had no comments or modifications.
7. SEQRA/FEAF Forms Parts 1, 2, and 3 and Negative Declaration of Environmental Significance, all dated January 20, 2021 (attached)
8. NP&V memo of December 16, 2020 (attached); and

WHEREAS after observing the ZOOM holding room, the Deputy Village Clerk reported no members of the public were present, no one from the public wished to speak, motion by Trustee Golden to close the Public Hearing, and seconded by Trustee Kuperman at 8:30 pm, all in favor; and

WHEREAS, regarding the Planning Board’s comments, the changes to the definition of “Short-Term Rental” recommended by the Planning Board were incorporated into the latest draft of Local Law #1 of 2021, dated February 10, 2021; and

WHEREAS, regarding the Planning Board’s comments regarding setting specific fines for violations of short-term rental prohibitions, the Village Board does not recommend making any changes at this time but will reserve for future possible consideration; and

Thus, after due consideration for reasons forth above, the Village Board of Trustees will follow recommendation #1 of the Planning Board’s February 10, 2021 reply regarding Local Law 1 Of 2021. Language incorporating recommendations of the Planning Board reply to clarify the definition of “Short-Term Rental” were incorporated into a new version of the Local Law dated February 10, 2021; and

Thus, after due consideration for reasons forth above, the Village Board of Trustees will not follow recommendation #2 of the Planning Board’s February 10, 2021 reply, but will reserve such action for future possible consideration.

THEREFORE, BE IT RESOLVED, having reviewed the SEQR submittals prepared by Village Planner Jonathan Lockman, the Board adopts the Part 2 and Part 3 Full Environmental Assessment Forms and Negative Declarations of Environmental Significance, dated January 20, 2021, by motion, moved by Trustee Caridi, and seconded by Trustee Golden all in favor; and

BE IT FURTHER RESOLVED, after a Public Hearing and due deliberation, that said Local Law be and hereby is approved by authority of Municipal Home Rule Law §20(5) subject to the following amendments, to become effective upon filing with the Secretary of State:

1. No further amendments were required to Local Law 1 of 2021 by Rockland County Planning. The version with a footer dated February 10, 2021, which already incorporated comment 5A of the Planning Board, is on the table for approval.

The Board was polled:	Mayor Millman	-	approve
	Deputy Mayor Caridi	-	approve
	Trustee Golden	-	approve
	Trustee Beldock	-	approve
	Trustee Kuperman	-	approve

Local Law No. 1 of 2021 dated February 10, 2021, approved, all in favor.

Discussion ensued regarding Local Law No. 2 of 2021. It was decided to table the motion for a public hearing for this Local Law due to COVID and many people working from home. Board members should review and save any comments/concerns they have for a workshop meeting possibly to be held in June.

**Resolution: 21 - 012**

Village of Montebello

Title: Accept Resignation of Planning Board Ad-Hoc Member

WHEREAS, Angus MacKenzie, serving the Planning Board as an ad-hoc member, appointment ending April 2022, has tendered his resignation for personal reasons effective immediately.

BE IT RESOLVED, that said resignation is accepted and said seat declared as vacant effective immediately. Mr. MacKenzie being thanked for his service to date.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution: 21 - 013**

Village of Montebello

Title: Appointing Ad-Hoc Member to the Planning Board

WHEREAS, the resignation of Angus MacKenzie as an ad-hoc member of the Planning Board was accepted and his seat, which runs until the reorganizational meeting of April 2022 was declared as vacant; and

WHEREAS, the Mayor recommends the appointment of the Marlo Dickman, residing in Montebello, to fill the vacant Ad-Hoc seat on the Planning Board; and

THEREFORE, BE IT RESOLVED, that Marlo Dickman has been appointed to fill the seat vacated by Angus MacKenzie, as Ad Hoc on the Planning Board for a term which ends at the reorganizational meeting of April 2022.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, the Resolution carries.

**Resolution No. 21 - 014**

Village of Montebello

Title: Approval of Minutes for January 20, 2021

BE IT RESOLVED, the minutes of the Board of Trustees of January 20, 2021 be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

**Resolution No. 21 – 015**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 17, 2021, and totaling \$114,375.82 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution No. 21 - 016**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Professional Fees

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated February 17, 2021 for Professional Fees, and totaling \$14,615.76 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution No. 21 – 017**

Village of Montebello

Title: Voter Registration Date

BE IT RESOLVED that the Election Inspectors for the upcoming Village election to be available on March 16, 2021 from 7:00 am until 9:00 pm at Village Hall, One Montebello Road, Montebello, NY in order to register and assist voters.

BE IT FURTHER RESOLVED that the Village Clerk – Treasurer shall notice and post same as required by the Election Law.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously.

**Resolution: 21 - 018**

Village of Montebello

Title: Appointment of Election Inspectors

BE IT RESOLVED that the Board of Trustees of the Village of Montebello does hereby appoint the following persons to serve as Election Inspectors for the upcoming Village election to be held on March 16, 2021:

<u>Name</u>	<u>Address</u>
Doug Whipple	55 Church Road Airmont, NY 10952 (845) 369-7258
Stewart Rhymer	18 Crescent Drive Spring Valley, NY 10977 rhymer119@yahoo.com (845) 371-8166
Gwendolyn Rhymer	18 Crescent Drive Spring Valley, NY 10977 rhymer119@yahoo.com (845) 371-8166

BE IT FURTHER RESOLVED that their compensation be set at a rate of \$12.00 per hour or required minimum wage for Rockland County if higher.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon Vote motion carries unanimously.

**Public Comment:**

With no one from the public wishing to speak, Mayor Millman closed this portion of the meeting.

**Old and New Business:**

- Looking at doing a Conservation Easement study since one has not been done in a number of years.
- There is an election coming up in March. Residents are urged to vote. There are two Trustee positions and a Village Justice position open. Mayor Millman has someone he would like to appoint to the Associate Judge position. Resume for candidate will be sent to the Board for review.
- Contract for KGPP Aeration vs. Solar. Copies to be sent to Board for review and discussion.
- Discussion regards joining Rockland Community Power, a collaborative clean municipal energy group. More information to be gathered and discussed at a later date.

At 8:58 PM Deputy Mayor Caridi made a motion to enter executive session to discuss legal agreement matters (possible terms for extension of lease agreement), seconded by Trustee Kuperman. Vote carried unanimously.

At 9:12 PM Trustee Kuperman made a motion to exit executive session, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 9:13 PM, Trustee Kuperman made a motion to close the meeting, seconded by Trustee Golden. Vote carried unanimously.

Respectfully submitted:

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Louise Renud, Deputy Village Clerk